

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIE KHEN, DORON ORBACH, BEN'S
INTERNATIONAL LUXURY
TRANSPORTATION, LLC, HAGAR FINE, DANA
HOLLAR SCHWARTZ, GAL HALEVI, and
WILLIAM ORGANEK,

Plaintiffs,

-against-

JOHN DOES NOS. 1-99 and ABC
CORPORATIONS NOS. 1-99,

Defendants.

Case No. 1:23-cv-10762 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:


Federal Rule of Civil Procedure (“Rule”) 4(m) requires service on defendants within ninety days after the complaint is filed. Fed. R. Civ. P. 4(m). Where plaintiffs do not “identify or serve” John Doe (and, as here, unnamed corporate defendants) Defendants within the time period required by Rule 4(m), those claims are dismissed. *Richardson v. City of New York*, No. 11-cv-02320 (LGS), 2013 WL 6476818, at *11 (S.D.N.Y. Dec. 10, 2013); *see also Bank v. Doe*, No. 19-cv-05804 (RRM) (LB), 2021 WL 2548990, at *4 (E.D.N.Y. June 22, 2021) (collecting cases “in which Doe defendant have been dismissed pursuant to Rule 4(m) for failure to identify and serve them within the 90-day period”); *Trs. of Leather Goods, Plastics, Handbags & Novelty Workers Union Loc. 1 Joint Ret. Fund v. Key Handling Sys.*, No. 14-cv-02675 (JS) (ARL), 2015 WL 5604184, at *7 (E.D.N.Y. June 5, 2015) (dismissing claims against unidentified defendants who were not identified and served within the period set forth by Rule 4(m)), *report and recommendation adopted*, 2015 WL 5604178 (E.D.N.Y. Sept. 23, 2015). Here, the Amended Complaint was filed on April 25, 2024. Dkt. 29. The ninety-day period to identify or serve the John Doe Defendants and ABC Corporations has

thus passed without Plaintiffs moving to extend the deadline for service or otherwise taking steps to identify and serve these Defendants. To avoid dismissal of the claims, Plaintiffs are directed to identify and serve the John Doe and ABC Corporation Defendants by **March 26, 2025**.

The deadlines and conferences set forth in the Revised Case Management Plan at Dkt. 51 are adjourned. The Court will schedule an Initial Pretrial Conference when the Defendants are served and the parties will be directed to submit to the Court a second revised Case Management Plan at that time.

Dated: February 24, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge